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February 3, 2023

**Via ECF**

The Honorable Sarah Netburn  
United States Magistrate Judge  
40 Foley Square, Room 430  
New York, NY 10007

Re: *Roche Freedman LLP v. Jason Cyrulnik*, No. 1:21-cv-1746 (S.D.N.Y.)

Dear Judge Netburn:

We write to briefly respond to Defendant Cyrulnik's inaccurate suggestion that the letter the RF Parties filed yesterday contradicts their prior testimony in this litigation. (Dkt. 353).

As an initial matter, the attorney client privilege attaches whether or not litigation is contemplated. Moreover, the RF Parties' letter is wholly consistent with Counter-Defendant Devin Freedman's testimony. He testified that "at a certain point . . . we thought Jason [Cyrulnik]'s dispute might end up in litigation" and identified that date as February 16, 2021. (Freedman Dep. Tr. 58:15-59:10.) The Court will note that the documents the RF Parties have sought to redact are all dated on February 16.

Respectfully,

/s/ Jonathan P. Bach

Jonathan P. Bach

cc: Counsel of Record (via ECF)